

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES FRATZ,

Plaintiff,

v.

CAPITAL ONE BANK (USA), N.A. and  
GOLDMAN & WARSHAW, P.C.,

Defendants.

Civil Action No. 11-cv-2577

Mitchell S. Goldberg  
United States District Judge

**CAPITAL ONE BANK'S JOINDER TO GOLDMAN & WARSHAW'S RESPONSE TO  
PLAINTIFF'S MOTION TO DESIGNATE DOCUMENT AS "NON CONFIDENTIAL"**

Defendant Capital One Bank (USA), N.A. ("Capital One Bank"), by and through its undersigned counsel, files the within joinder to Defendant Goldman & Warshaw, P.C.'s response to Plaintiff's motion to designate document as "non confidential" and states as follows:

1. On November 8, 2011, the Court approved and granted a stipulated protective order agreed to by Plaintiff and Defendant Goldman & Warshaw. (Docket No. 20).
2. On November 23, 2011, Plaintiff filed a motion which seeks a declaration that a document identified as "confidential" by Goldman & Warshaw be designated by the Court as "non confidential" (the "Motion to Designate"). (Docket No. 22).
3. The document at issue in the Motion to Designate is a document provided by Capital One Bank to Goldman & Warshaw, as well as other law firms retained by Capital One Bank.
4. The Motion to Designate was not served on the undersigned counsel who had represented Capital One Bank prior to Plaintiff's voluntary dismissal of claims against Capital One Bank. (Docket No. 18).

5. Counsel for Goldman & Warshaw provided a copy of the Motion to Designate to the undersigned along with a copy of Goldman & Warshaw's response to the Motion to Designate. (Docket No. 30).

6. For the reasons set forth in Goldman & Warshaw's response to the Motion to Designate, which are incorporated by reference herein, Capital One Bank requests that the Motion to Designate be denied.

WHEREFORE, Defendant Capital One Bank (USA), N.A. requests that the Court deny Plaintiff's Motion to Designate.

Respectfully submitted,

Dated: December 16, 2011

/s/ Kevin Batik  
Kevin Batik  
Pa. Id. No. 89209  
McGuireWoods LLP  
625 Liberty Avenue, 23rd Floor  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on the following counsel of record via notice delivered by the Court's ECF system on this 16th day of December 2011:

Stuart A. Eisenberg  
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/s/ Kevin Batik